

CHAPTER 3

ATTORNEYS AND THE PRACTICE OF LAW

ARTICLE 7

SENIOR LAW STUDENTS; LIMITED PRACTICE OF LAW

Section.

3-701. Purpose.

3-702. Activities.

3-703. Requirements and limitations.

3-704. Supervision.

3-705. Certification.

3-706. Miscellaneous.

§ 3-701. Purpose

The purpose of this rule is to provide senior law students with supervised practical training in the practice of law during the period of their formal legal education.

§ 3-702. Activities.

An eligible law student may engage in the following activities:

(A) Appear and participate in:

(1) Trials in civil matters in Workers' Compensation Court, county courts, and district courts in this State when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Any such appearance in Workers' Compensation Court, county courts, and district courts must be in the personal presence of the supervising attorney, except that the county court judge, may waive the requirement of personal presence of a supervising attorney in specific cases for an eligible law student who has previously participated in a trial in that court in the personal presence of the supervising attorney. For the purposes of this rule, proceedings to enforce a penalty for violation of a municipal ordinance shall be deemed criminal in nature.

(2) Criminal matters in all courts when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is defending any case in these courts. Such appearance must be in the personal presence of the supervising attorney.

(3) Criminal matters in all courts when acting as an assistant to a county attorney, deputy county attorney, or other prosecuting official duly admitted to practice in Nebraska. Such appearance must be in the personal presence of the supervising attorney.

(4) Postconviction and habeas corpus matters in all courts when acting under the general supervision and in the personal presence of a lawyer admitted to practice in Nebraska who is prosecuting or defending such a case.

(5) Juvenile matters when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is prosecuting or defending such case. Any such appearance must be in the personal presence of the supervising attorney.

(B) Hold consultations and prepare pleadings, briefs, and other documents to be filed in any matter in which the student is eligible to appear, when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Such pleadings, briefs, and other documents must be signed by the supervising attorney but may also set forth the name of the eligible law student who has participated in preparation of the document(s).

(C) Prepare briefs and other documents to be filed in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but such briefs or other documents must be prepared under the general supervision of and signed by an attorney duly admitted to practice in Nebraska. Each such instrument may set forth the name of the eligible law student who has participated in preparation of the document(s).

(D) Participate in oral argument in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but only in the personal presence of an attorney of record in the case and only with the prior approval of the Court.

Rule 2(C) and (D) amended November 22, 2000. Renumbered and codified as § 3-702, effective July 18, 2008.

§ 3-703. Requirements and limitations.

To become eligible to participate in legal activities pursuant to this rule, a law student must:

(A) Be duly enrolled in a law school approved by the American Bar Association. A law student will be considered duly enrolled during the period of his law school's next summer vacation period following completion of the requirements of § 3-703(B).

(B) Have completed legal studies sufficient to have attained senior standing at his or her law school.

(C) Be certified by the dean of his or her law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern under the general supervision of the attorney or attorneys designated by name.

(D) Be introduced to the court in which he or she is appearing by an attorney duly admitted to practice in that Court.

(E) Receive the affirmative consent of the court in which he or she is appearing to appear before it.

(F) Not ask for or receive any compensation or remuneration of any kind for his services directly from the client on whose behalf he renders services. This provision is not intended to preclude the supervising attorney from compensating the eligible law student nor to prevent the supervising attorney from receiving a fee from the client for the services performed in compliance with the otherwise applicable rules of proper professional conduct.

Rule 3(B) amended May 20, 1992; Rule 3(A) amended July 31, 1992. Renumbered and codified as § 3-703, effective July 18, 2008.

§ 3-704. Supervision.

The lawyer under whose supervision an eligible law student engages in any of the activities permitted by this rule shall:

(A) Be duly admitted to practice law in Nebraska.

(B) Assume personal professional responsibility to the client for the services performed by the law student.

(C) Secure the prior written consent of the client for the services actually to be performed in court by the law student.

(D) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(E) Assist the student in his or her preparation to the extent the supervising lawyer considers it necessary.

§ 3-705. Certification.

The certification of a student by the law school dean:

(A) Shall be filed with the Clerk of this Court and, unless it is sooner withdrawn, shall terminate if the student does not take the first bar examination following his or her graduation, or if the student takes such bar examination and fails it, or if he or she is admitted to full practice before this court.

(B) May be withdrawn by the dean at any time by mailing a notice thereof to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.

(C) May be terminated by this Court at any time without prior notice and without any showing of cause.

Rule 5(A) amended September 25, 2002. Renumbered and codified as § 3-705, effective July 18, 2008.

§ 3-706. Miscellaneous.

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law in Nebraska to do anything that he or she might lawfully do prior to the adoption of this rule.